

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 1 and 4-10 are present in this application. Claim 10 is amended.

Claims 1, 4-6 and 8-10 are rejected under 35 U.S.C. §102(a) over JP 2002-16045 (Hayashi '045), and claims 1, 4 and 8-10 are rejected under 35 U.S.C. §102(e) over U.S. 2002/0042204 (Hayashi '204). Under 35 U.S.C. §103(a), claims 1, 4-6, 8 and 10 are rejected over US 5,990,016 (Kim et al.) in view of US 5,565,036 (Westendorp et al.), US 6,089,181 (Suemasa et al.), and Hayashi '204, claim 7 is rejected over Hayashi '204 in view of US 5,707,486 (Collins) and over Kim et al. in view of Westendorp et al., Suemasa et al., and Hayashi '204 and further in view of Collins, and claim 9 is rejected over Kim et al. in view of Westendorp et al., Suemasa et al., and Hayashi '204 and further in view of US 5,342,471 (Fukusawa et al.). Claim 10 is rejected under 35 U.S.C. §112, second paragraph.

Claim 10 is amended to address the antecedent basis issue raised in the Office Action. Withdrawal of the 35 U.S.C. §112, second paragraph, rejection of claim 10 is respectfully requested.

Each of the prior art rejections is based upon either Hayashi '045 or Hayashi '204. The Applicants submit herewith a Declaration from one of the inventors, Ms. Itsuko Sakai, stating that the subject matter disclosed in the Hayashi '045 and the Hayashi '204 references is her invention. Accordingly, the subject matter of these two references relied upon in the Office Action to reject the pending claims is not by another. Accordingly, withdrawal of the § 102(a) rejection over Hayashi '045 is respectfully requested since this reference is not by another.

Similarly, withdrawal of the § 102(e) rejection over Hayashi '204 is also respectfully requested since this reference is not by another. The § 103(a) rejections are all based upon

Hayashi '204. Since this reference is not available under § 102(e), the § 103(a) rejections fall. Withdrawal of the § 103(a) rejections is respectfully requested.

It is respectfully submitted that the present application is in condition for allowance, and a favorable decision to that effect is respectfully requested.

Respectfully submitted,

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